

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Thomas Anthony Santagata Jr.

17CV2663

No. _____

(To be filled out by Clerk's Office)

Write the full name of each plaintiff.

-against-

City of New York, New York Police Department,
Officers Edgardo Diaz and Ryan McAvoy, Legal
Aid Society

COMPLAINT

(Prisoner)

Do you want a jury trial?

☒ Yes ☐ No

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

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NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

☐ Violation of my federal constitutional rights

☒ Other:

Unlawful arrest, false imprisonment, 4th Amendment violation, legal malpractice, undue mental distress, pain and suffering, loss of wages

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

Thomas A. Santagata Jr.
 First Name Middle Initial Last Name

State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

Ulster Correctional Facility DIN:17R0538; Rikers Island NYSID:019180840

Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

Ulster Correctional Facility
 Current Place of Detention

P.O. Box 800 750 Berne Road
 Institutional Address

Napanoch, NY 12458
 County, City State Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

☐ Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

☒ Convicted and sentenced prisoner

☐ Other:

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:

City of New York and New York Police Department
 First Name Last Name Shield #

Current Job Title (or other identifying information)

Current Work Address

Richmond, Staten Island, NY
 County, City State Zip Code

Defendant 2:

Edgardo Diaz
 First Name Last Name Shield #

Police Officer

Current Job Title (or other identifying information)

122 Precinct / Conditions Unit

Current Work Address

Richmond, Staten Island, NY
 County, City State Zip Code

Defendant 3:

Ryan McAvoy
 First Name Last Name Shield #

Police Officer

Current Job Title (or other identifying information)

122 Precinct / Housing Team

Current Work Address

Richmond, Staten Island, NY
 County, City State Zip Code

Defendant 4:

The Legal Aid Society
 First Name Last Name Shield #

Current Job Title (or other identifying information)

60 Bay Street, 3rd Floor

Current Work Address

Richmond, Staten Island, NY
 County, City State Zip Code

V. STATEMENT OF CLAIM

Place(s) of occurrence: Staten Island, New York. 3 Cascade Street.

Date(s) of occurrence: 11/6/14, 7/22/15, 4/2015

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

On 11/6/14, I was approached by Edgardo Diaz in my private driveway at 3 Cascade St. I was sitting in my vehicle and noticed a uniformed cop walk into the driveway. I got out and locked all doors. He grabbed me and placed me in cuffs, searched my pockets and found a legal knife, then he took my keys and unlawfully searched my car. I saw him switch the knife with a knife he found in the arrest compartment. Then he used a key to loosen the blade as that knife comes with such a key and a locking mechanism on the handle. I was charged with a gravity knife and the case was dismissed on 3/20/17. I accrued 20 months of imprisonment due to this corrupt cop's evidence manipulation, testimonial perjury, and fourth Amendment violation. On 7/22/15, cops responded to 3 Cascade St. due to five neighbors' 911 calls stating I was being menaced by an "armed mob" with bats, on my private property. Once cops arrived, the bats and most of the mob dispersed, cops first knocked on my door as it was the scene of the 911 complaints and my grandma was one of the 911 callers. When the cops tried questioning me, I went upstairs and ignored them. I locked the door to the 2nd floor apartment. When they finished with my grandma, they went outside and spoke to neighbors at 142 Hunter Ave. Those neighbors were Jack and Steve Graziano, they claimed I menaced them with a knife. The

2nd patrol car arrived and it was Ryan McAvey, a cop who previously arrested me for kidnapping in the 1st. He spoke to another 911 caller, a man at 5 Gscale St. then spoke to the Grazinos who claimed I menaced them the night prior and that evening too. He told me to come out and go to the hospital, he said I wasn't being arrested so I refused. Without an arrest warrant, no consent from homeowner, nor exigency, the cops broke down the door to get me. That was a violation of my 4th Amendment and case dismissed on 3/20/17. In April 2015 a civil judgment of the forfeiture of my 2000 Ford Mustang was due to legal malpractice by The Legal Aid Society, failing to submit documents and appear in court. The car was seized in my 5/19/14 kidnapping case that was dismissed 12/17/14.

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

VI. RELIEF

State briefly what money damages or other relief you want the court to order.

I want to be compensated for the unlawful arrests of 11/6/14, 7/21/15 and 7/22/15; the false imprisonment from 11/6/14-3/2/15 and 7/22/15-3/20/17; the violation of my 4th Amendment in both arrests; slander for the S.I. Advance front page article depicting me as a menace, a drug dealer, a thief, and a thug with an annuopy; mental distress; pain and suffering; loss of wages due to losing my construction job after my arrest; and for legal malpractice in my civil case by The Legal Aid Society, for their incompetence in allowing the forfeiture of my 2000 Ford Mustang to New York City. It was seized in a kidnapping case that was dismissed, the claim was it facilitated a crime. The Value was estimated between \$7,000-\$8,000. Installed a new engine two weeks prior.

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

<u>3/25/17</u>		<u>Thomas Santagata Jr.</u>
Dated		Plaintiff's Signature
<u>Thomas</u>	<u>A.</u>	<u>Santagata Jr.</u>
First Name	Middle Initial	Last Name
<u>P.O. Box 800 750 Berne Road</u>		
Prison Address		
<u>Napanoch</u>	<u>NY</u>	<u>12458</u>
County, City	State	Zip Code

Date on which I am delivering this complaint to prison authorities for mailing:

4/5/17

CORRECTIONAL FACILITY

800

N.Y. 12458

home Antagata

DIN: 17R0538

ULSTER
CORRECTIONAL
FACILITY



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FIRST-CLASS MAIL

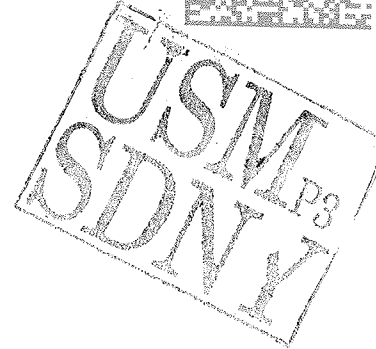
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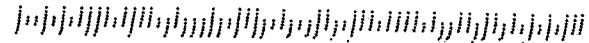


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Pro Se Intake Unit
500 Pearl Street
New York, NY 10007

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